

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 09-00252-01-CR-W-HFS
RODOLFO ZAMBRANO,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 4, 2010. Defendant Rodolfo Zambrano appeared in person and with retained counsel Robin Fowler. The United States of America appeared by Assistant United States Attorney Stefan Hughes.

I. BACKGROUND

On August 11, 2009, an indictment was returned charging defendant with one count of possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Hughes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Steve Lester, ATF.

Mr. Fowler announced that Mr. Robb Edmonds will be the trial counsel for defendant Rodolfo Zambrano.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Hughes announced that the government intends to call 8 witnesses without stipulations or 6 witnesses with stipulations during the trial.

Mr. Fowler announced that defendant Rodolfo Zambrano intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Hughes announced that the government will offer approximately 36 exhibits in evidence during the trial.

Mr. Fowler announced that defendant Rodolfo Zambrano will offer 1 exhibit in evidence during the trial.

VI. DEFENSES

Mr. Fowler announced that defendant Rodolfo Zambrano will rely on no defense. The defendant will waive a jury and stipulate to the elements of the offense. The government may object to the defendant's waiving a jury.

VII. POSSIBLE DISPOSITION

Mr. Fowler stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to all of the elements of the offense.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1/2 day to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed February 2, 2009, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by August 4, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, August 11, 2010;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, August 11, 2010. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 16, 2010.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, August 13, 2010. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

The parties request the first week of the trial docket.

/s/ Robert E. Larsen

ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
August 4, 2010

cc: Mr. Kevin Lyon